

Translation

PATENT COOPERATION TREATY

PCT/RU2003/000206



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference AE-0015	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/RU2003/000206	International filing date (<i>day month year</i>) 05 May 2003 (05.05.2003)	Priority date (<i>day month year</i>)
International Patent Classification (IPC) or national classification and IPC C12G 3/00		
Applicant KHLUSTOV, Nikolay Alexandrovich		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 01 December 2004 (01.12.2004)	Date of completion of this report 22 August 2005 (22.08.2005)
Name and mailing address of the IPEA/RII	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ . as originally filed
 pages _____ . filed with the demand
 pages _____ . filed with the letter of _____
- ☐ the claims:
 pages _____ . as originally filed
 pages _____ . as amended (together with any statement under Article 19
 pages _____ . filed with the demand
 pages _____ . filed with the letter of _____
- ☐ the drawings:
 pages _____ . as originally filed
 pages _____ . filed with the demand
 pages _____ . filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____ . as originally filed
 pages _____ . filed with the demand
 pages _____ . filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-5	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-5	NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

2. Citations and explanations

This report is based on the original claims and on the following documents cited in the search report:

D1: RU 2049813 C1

D2: GRITSYUK, I.G., ROITER, I.M. Tekhnologiya likero-volochnogo proizvodstva, M, Lyogkaya i pishchevaya promyshlennost, 1953, pages 124-125 and 136-182.

D3: SU 1148863 A

D4: RU 2157648 C1

D5: RU 2031930 C1

D6: RU 2199923 C1.

D1 discloses a method for producing a liquor from sea urchin eggs wherein the eggs are cleaned and covered and infused with a water-alcohol mixture having an alcohol-to-water ratio of 40% by volume, with a volume ratio of the eggs to the water-alcohol mixture of 1:10 at room temperature for 14 days and at 50-60°C for 8 days, and they are subsequently left to stand at a temperature of up to 5°C until clarified.

D2 discloses a cleaning technique for use in the method for producing a liquor, which technique includes

rinsing the raw material, allowing them to sit at a high or standard temperature for 2 to 5 days, with a water-alcohol mixture of 40 to 70% by volume.

D3 describes the process of infusing the material in a solution containing 16-20% by volume or 30-50% by volume alcohol at a ratio of 1:18-22 for 27-54 hours.

D4 discloses a technique for cleaning sea urchin eggs using seawater at a temperature of 15°C.

D5 discloses the infusion process while producing a bitter liquor to which balsams are related, with a ratio of raw material to a water-alcohol mixture having 50% by volume alcohol of 1:8 and 1:10 at a temperature of 18-30°C.

D6 discloses the infusion of the raw material in a solvent containing 70% by volume alcohol at a temperature of 17-24°C in a dark place, the settlement of the raw material and the solvent, and, after settlement, filtering of the infusion.

D1 is the prior art closest to the claimed invention. The method according to claim 1 differs from the method known from D1 by the fact that the cleaning includes rinsing with water at a temperature of up to 20°C, and by the quantitative nature of the parameters for conducting the infusion process: the strength of the water-alcohol mixture, the ratio of the eggs to the water-alcohol mixture, the temperature, and the infusion time.

Consequently, independent claim 1 and claims 2-5, which are dependent thereon, meet the requirement for novelty.

D2 discloses, however, that the cleaning of the raw material before infusion includes rinsing with water (pages 124-125), and D4 discloses a process for rinsing the sea urchin eggs with water at a temperature of 15°C (which falls within the scope of "up to 20°C") (see description, page 2).

The majority of the quantitative parameters of the infusion process are known from the prior art, specifically from D2 (pages 136-182), D3 (description, claims) and D5 (description, page 5) and come under the claimed scope. With respect to the other quantities, it is clear to a specialist that they have been selected in a standard manner by a person skilled in the art by taking into account the raw material used and the characteristics of the finished product, and said selection does not require an inventive step.

The distinguishing features mentioned above are known and obvious from the prior art (D2-D6) and are aimed, as is the case in known solutions, at obtaining a strong alcoholic beverage in which a maximum content of biologically active substances has been maintained among its components, and with specific organoleptic properties. The liquors used as medical and prophylactic means are distinguished by the known properties of sea urchin eggs. No unexpected effect has been demonstrated in the application materials.

Consequently, on the basis of the above, claim 1 does not meet the requirement of inventive step.

The features of dependent claim 2 are known from D4, which describes the use of seawater when rinsing sea

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urchin eggs (description, page 2).

D6 discloses (description, page 4) carrying out an infusion and settling in a dark place, settling in the presence of the infused material, and filtering the infusion after settling, i.e. the features of dependent claims 3-5.

Therefore, dependent claims 2-5 do not satisfy the requirement for inventive step.

Claims 1-5 meet the requirement for industrial applicability.